

SENATE BILL 295

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 11, relative to the release of defendants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-11-139, is amended by adding the following as new subsections:

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(1) If a defendant charged with a felony offense or a Class A or B misdemeanor fails to appear or is charged with failure to appear, then the court shall issue a bench warrant and order the Tennessee bureau of investigation to place the defendant on any available state or federal list or database as a fugitive from justice within ten (10) days of the defendant's failure to appear.

(2) A surety is not liable for any undertaking where the defendant has not been placed on an available database as required by subdivision () (1).

() A surety is only responsible for costs in accordance with § 40-11-201.

SECTION 2. Tennessee Code Annotated, Section 40-11-142, is amended by deleting subsection (a) and substituting:

(a) After an officer arrests a person, but prior to the determination of bail for the arrest offense by the judge or magistrate, the arresting officer or the officer's agency shall exercise due diligence in determining the existence of prior arrests.

SECTION 3. This act takes effect upon becoming law, the public welfare requiring it.